THE HONOURABLE SRI JUSTICE D. APPA RAO

WRIT PETITION NO. 10353 OF 2006

Dated: 24.05.2006

Between:

S.D. Shaik Ahmed, son of D. Shaik Sab … Petitioner

AND

The Superintending Engineer,

A.P. Transco, (Operation Circle),

Kurnool and others … Respondents

THE HONOURABLE SRI JUSTICE D. APPA RAO

WRIT PETITION NO. 10353 OF 2006

ORDER:

This writ petition is filed by the petitioner seeking a writ of mandamus to declare the action of the respondents in disconnecting the power supply to the petitioner's rice mill bearing S.No. 864 as illegal and arbitrary and consequently, direct the respondents to restore the power supply to the petitioner's rice mill.

It is the case of the petitioner that he is running a rice mill under the name and style of " Innu Rice Mill" at Nagaladinne Village, Nandavaram Mandal, Kurnool District. He took electric power connection bearing S.No.864, in the year 2001. He used to consume electricity power and pay the amount as demanded by the respondents. When he fell in arrears, electricity connection was disconnected. Subsequently, at his request, the respondents allowed him to pay the arrear amount in installments and after payment of 1st installment, the power supply was restored. Later, he closed the rice mill. As he could not pay the 2nd installment, the respondents disconnected the power supply. His request to restore power supply even on payment of arrears was not acceded to. They have unjustly included an amount of Rs.1084/- under head 'fixed charges'. Therefore, he prayed a direction be issued for restoration of power supply.

The learned Counsel for the petitioner contends that the respondents are collecting the amount under fixed charges, which do not mean that it was minimum charges.

The learned Counsel for the respondents represented that an amount of Rs.33,000/- and odd has to be paid towards the electricity charges. Unless the said amount is paid, the respondents are not liable to restore the electricity supply.

Clause 33.2 of Terms and Conditions of Transmission Corporation of Andhra Pradesh mandates that 'the minimum charges will be payable by consumer even if no electricity actually consumed for any reason whatsoever and also if the charges for electricity consumed are less than the minimum charges.'

The learned Counsel for the respondents contends that the expressions fixed charges and minimum charges do mean the same. I believe it is only the nomenclature. They do not make any difference.

Considering the circumstances and in view of the fact that the petitioner pleads that he met with an accident and closed down the mill and could not pay the amount in time, he is directed to pay the amount within one month from the date of receipt of a copy of this order and on such payment, the respondents are directed to restore the power supply. The respondents are also directed to consider the representation if any made by the petitioner permitting him to pay in installments of the amount due to them.

The Writ Petition is disposed of with the above directions. No order as to costs.

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Justice D. Appa Rao

Dated: 24th May,2006

Note:

Issue C.C. tomorrow

(By Order)

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